



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2003)1618 final

Strasbourg, 1st July 2003

MINUTES

of the 1618th meeting of the Commission

held in Brussels

(Breydel)

on Tuesday 24 June 2003

(morning)

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These minutes were approved by the Commission at its 1619th meeting, held in Strasbourg on 1st July 2003.

They contain 21 pages.

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Single sitting: Tuesday 24 June (morning)

The sitting opened at 0920 hours with Mr Prodi, President, in the chair.

Present:

Mr PRODI	President	
Mr KINNOCK	Vice-President	
Mr FISCHLER		Items 1 to 13
Mr BOLKESTEIN		
Mr SOLBES		
Mr NIELSON		
Mr VERHEUGEN		
Mr PATTEN		
Mr BYRNE		
Mr BARNIER		
Ms REDING		
Ms SCHREYER		
Ms WALLSTRÖM		
Mr VITORINO		

Absent:

Ms de PALACIO	Vice-President
Mr MONTI	
Mr LIIKANEN	
Mr BUSQUIN	
Mr LAMY	
Ms DIAMANTOPOULOU	

The following sat in to represent absent Members of the Commission

Mr SCHINAS	Deputy Chef de cabinet to Ms de Palacio
Mr VAN HOOFF	Chef de cabinet to Mr Monti
Mr COZIGOU	Deputy Chef de cabinet to Mr Liikanen
Ms RUSSO	A member of Mr Busquin's staff
Mr REDONNET	A member of Mr Lamy's staff
Mr FIELDING	Deputy Chef de cabinet to Ms Diamantopoulou

The following also sat in

Mr PETITE	Director-General, Legal Service	
Mr MANSERVISI	Chef de cabinet to the President	
Mr DE OLIVEIRA E SOUSA	Director-General, Press and Communication	
Mr KEMPPINEN	Commission Spokesman	
Mr DE OJEDA	Commission Spokesman	
Mr THOMAS	Spokesman	
Mr SMULDERS	A member of the President's staff	Items 11 and 13
Mr CARVOUNIS	Press and Communication DG	
Mr PONZANO	Secretariat-General	Item 13
Mr VAN NUFFEL	Secretariat-General	Item 13

Secretary: Mr O'SULLIVAN, Secretary-General, assisted by Ms BUGNOT, Director in the Secretariat-General.

1. AGENDAS

(OJ(2003)1618/3; SEC(2003)727/2)

The Commission took note of that day's agenda and of the tentative agendas for forthcoming meetings.

2. WEEKLY MEETING OF CHEFS DE CABINET

(SEC(2003)1618)

The Commission considered the Secretary-General's report on the weekly meeting of Chefs de cabinet held on Monday 23 June.

3. PERMANENT REPRESENTATIVES COMMITTEE

***DRAFT JOINT COUNCIL AND COMMISSION DECLARATION ON THE USE
OF THE COMMUNITY CIVIL PROTECTION MECHANISM FOR CRISIS
MANAGEMENT***

At the request of Mr PATTEN and Ms WALLSTRÖM, this item was held over for one week.

4. WRITTEN PROCEDURES AND EMPOWERMENT

4.1. WRITTEN PROCEDURES APPROVED

(SEC(2003)728 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 June.

4.2. SENSITIVE WRITTEN PROCEDURES

(SEC(2003)729)

The Commission took note of written procedures initiated between 16 and 20 June for the adoption of decisions with political implications.

4.3. EMPOWERMENT

(SEC(2003)730 et seq.)

The Commission took note of the Secretariat-General's memoranda recording decisions adopted between 16 and 20 June.

4.4. DELEGATION AND SUBDELEGATION OF POWERS

The Commission took note of the Secretariat-General's memoranda recording decisions adopted under the delegation procedure between 16 and 20 June, as archived on the "Grefte 2000" (Registry) website.

5. ADMINISTRATIVE AND BUDGETARY MATTERS
(SEC(2003)731/2)

ADMINISTRATIVE MATTERS
(PERS(2003)99)

5.1. RETIREMENT OF AN A2 TEMPORARY OFFICIAL

The Commission accepted the request to be retired presented by Mr Giulio GRATA, temporary A2 official, currently Director of Directorate C (Innovation) in the Enterprise DG. In accordance with Article 52 of the Staff Regulations, it decided that this would take effect on 1 August.

5.2. DG JAI - APPLICATION OF ARTICLE 50 OF THE STAFF REGULATIONS (SECOND STAGE) WITH RESPECT TO AN A1 OFFICIAL

The Commission continued its discussions on this matter, begun on 30 April (PV(2003)1610, Part II).

The Commission, on a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Mr VITORINO, adopted the decision in PERS(2003)102 to apply the second stage of the procedure laid down in Article 50 of the Staff Regulations with respect to Mr John Adrian FORTESCUE, an A1 official, currently Adviser *hors classe* in the Justice and Home Affairs DG.

This decision would take effect on 1 July.

5.3. DG BUDG - EXTENSION OF LEAVE ON PERSONAL GROUNDS FOR AN A2 OFFICIAL

On a proposal from Mr KINNOCK, in agreement with the PRESIDENT and Ms SCHREYER, the Commission decided to grant an extension of leave on

personal grounds requested by Mr Matti LIUKKONEN from
1 September 2003 to 31 August 2004.

This decision would take effect immediately.

**6. COMMISSION RECOMMENDATION FOR A COUNCIL OPINION,
PURSUANT TO ARTICLE 5(3) OF REGULATION (EC) No 1466/97, ON
THE UPDATED STABILITY PROGRAMME OF THE NETHERLANDS
(SEC(2003)739 and /2)**

The Commission adopted a recommendation for a Council opinion on the updated stability programme of the Netherlands (SEC(2003)739), for transmission to the Council.

**7. COMMISSION COMMUNICATION TO THE COUNCIL AND
PARLIAMENT ON THE DEVELOPMENT OF A
EURO-MEDITERRANEAN TRANSPORT NETWORK
(COM(2003)376 to /4)**

The Commission approved the communication on the development of a Euro-Mediterranean transport network, as set out in COM(2003)376/4, for transmission to Parliament and the Council.

8. PROPOSAL FOR A COUNCIL DECISION ON THE CONCLUSION OF AN AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND CANADA ON TRADE IN WINES AND SPIRIT DRINKS (COM(2003)377 and /2)

The Commission adopted the proposal for a Decision in COM(2003)377 for transmission to the Council.

9. PARLIAMENT

**9.1. JUNE II PART-SESSION
(SP(2003)2163)**

The Commission took note of the information supplied relating to Parliament's part-session held in Brussels on 18 and 19 June.

**9.2. ACTION TO BE TAKEN ON PARLIAMENT'S OPINIONS
(SP(2003)2166)**

The Commission approved the proposed empowerment decisions relating to action to be taken on the amendments presented by Parliament under the consultation procedure.

**9.3. PARLIAMENTARY AFFAIRS GROUP
(SP(2003)2187)**

The Commission took note of the record of the meeting of the Parliamentary Affairs Group held on 19 June.

It paid particular attention to the following:

Interinstitutional relations

(point 1 of the record)

Legislative programme up to the end of the present term of office

The Commission adopted the mid-term review of the implementation of the legislative and work programme for 2003 as set out in SP(2003)2083/3, together with the list of priorities for legislative proposals and other initiatives up to the end of the present term of office. This document would be presented by Ms de PALACIO to Parliament's Conference of Committee Chairmen at the meeting to be held in Strasbourg during the next plenary session (week of 30 June).

Preparations for July part-session

(point 2 of the record)

The Commission, in accordance with the rules in force, authorised the Commission Members responsible, in agreement with the PRESIDENT, Ms de PALACIO and any other Members associated, to take a position on Parliament's amendments to its proposals.

It paid particular attention to the following:

2nd reading

- HUHNE report, Prospectus for securities,
COM(2001)280, 01/0117 (COD) (Mr BOLKESTEIN)

The Commission adopted the line set out in SP(2003)2182/2, involving the rejection of certain amendments, and authorised Mr BOLKESTEIN to continue contacts with the co-legislators with a view to reaching agreement at second reading.

- ZAPPALÀ report, Public supply contracts, public service contracts and public works contracts,

COM(2000) 275, 00/0115 (COD) (Mr BOLKESTEIN)

ZAPPALÀ report, Procurement in the water, energy and transport sectors,

COM(2000)276, 00/0117 (COD) (Mr BOLKESTEIN)

The Commission adopted the line set out in SP(2003)2189, involving the rejection of certain amendments.

- GARGANI report, Vehicles equipped with mirrors and supplementary systems for indirect vision,

COM(2001)811, 01/0317 (COD) (Mr LIIKANEN)

The Commission adopted the line set out in SP(2003)2181, involving the rejection of certain amendments.

- KLASS report, Indication of ingredients in foodstuffs,

COM(2001)433, 01/0199 (COD) (Mr BYRNE)

The Commission adopted the line set out in SP(2003)2139, involving the rejection of certain amendments.

- SCHEELE report, Genetically modified food and feed,

COM(2001)425, 01/0173 (COD) (Mr BYRNE)

- TRAKATELLIS report, Traceability and labelling of genetically modified organisms,

COM(2001)182, 01/0180 (COD) (Ms WALLSTRÖM)

Mr BYRNE outlined progress on these dossiers in Parliament and the Council. It would be desirable to avoid the conciliation stage, which could provoke amendments that were not acceptable to the Commission.

An analytical note by the Legal Service (SEC(2003)755) confirmed that inclusion of the words "*for the cultivation of GMOs*" in Article 26a of Directive 2001/18/EC, though a useful clarification, was not an absolutely necessary condition for the Commission to be able to accept the whole of the compromise on the table. If the compromise finally differed from what was taking shape at that stage, the Commission could still in any case resort to conciliation.

Following a brief exchange of views, particularly on the need for speed in adopting these proposals definitively so as to make progress on the authorisation procedures for genetically modified organisms, and on questions relating to the coexistence of genetically modified and traditional crops, the Commission approved the line set out in SP(2003)2202, SP(2003)2183 and /2 and SP(2003)2228. It authorised Mr BYRNE and Ms WALLSTRÖM to accept the compromise text annexed to SP(2003)2228, subject to the clarifications given during the meeting by Mr BYRNE, with the addition of the words "*including crops*" as suggested in Coreper and without insisting on the restoration of the words "*for the cultivation of GMOs*".

- OLSSON report, Use in stockfarming of substances having a hormonal or thyrostatic action and of beta-agonists,
COM(2000)320, 00/0132 COD (Mr BYRNE)

The Commission adopted the line set out in SP(2003)2138, involving the rejection of certain amendments.

- CORBEY report, Packaging and packaging waste,
COM(2001)729, 01/0291 (COD) (Ms WALLSTRÖM)

The Commission adopted the line set out in SP(2003)2173, involving the rejection of certain amendments.

- FAVA report, Creation of the single European sky,
COM(2001)123-2, 01/0060 (COD) (Ms de PALACIO)

The Commission adopted the line set out in SP(2003)2159, involving the rejection of certain amendments.

- SANDERS-TEN HOLTE report, Air navigation services, Organisation and use of airspace, Interoperability of the European Air Traffic Management Network,
COM(2001)564-2; COM(2001)564-3; COM(2001)564-4, 01/0235 (COD), 01/0236 (COD), 01/0237 (COD) (Ms de PALACIO)

The Commission adopted the line set out in SP(2003)2158, involving the rejection of certain amendments.

- CAVERI report, Ecopoint system applicable to heavy goods vehicles travelling through Austria for 2004,
COM(2001)807, 01/0310 (COD) (Ms de PALACIO)

The Commission adopted the line set out in SP(2003)2144, involving the rejection of certain amendments.

- LISI report, Compensation and assistance to air passengers,
COM(2001)784, 01/0305 (COD) (Ms de PALACIO)

The Commission adopted the line set out in SP(2003)2145, involving the rejection of certain amendments.

Empowerment

Under Article 13 of its Rules of Procedure the Commission empowered the Members concerned, in agreement with the PRESIDENT, Ms de PALACIO and any other Members associated, to adopt its opinion on the amendments, together with any amended proposals, on the basis of the line set out in the documents concerned, once Parliament had given its opinion, and transmit them to the Council in accordance with Article 251(2)(c) of the Treaty, for the following:

- HUHNE report, Prospectus for securities,
SP(2003)2182/2
- ZAPPALÀ report, Public supply contracts, public service contracts and public works contracts,
ZAPPALÀ report, Procurement in the water, energy and transport sectors,
SP(2003)2189
- GARGANI report, Vehicles equipped with mirrors and supplementary systems for indirect vision,
SP(2003)2181
- KCLASS report, Indication of ingredients in foodstuffs,
SP(2003)2139
- SCHEELE report, Food additives other than colours and sweeteners,
SP(2003)2202; SP(2003)2228
- TRAKATELLIS report, Traceability and labelling of genetically modified organisms,
SP(2003)2183 and /2; SP(2003)2228

- OLSSON report, Use in stockfarming of substances having a hormonal or thyrostatic action and of beta-agonists,
SP(2003)2138
- CORNEY report, Packaging and packaging waste,
SP(2003)2173
- FAVA report, Creation of the single European sky,
SP(2003)2159
- SANDERS-TEN HOLTE report, Air navigation services, Organisation and use of airspace, Interoperability of the European Air Traffic Management Network,
SP(2003)2158
- CAVERI report, Ecopoint system applicable to heavy goods vehicles travelling through Austria for 2004,
SP(2003)2144
- LISI report, Compensation and assistance to air passengers,
SP(2003)2145
- BRADBURN report, Marco Polo programme,
SP(2003)2160

1st reading and simple consultation

- GRÖNER report, Daphne II programme 2004-08,
COM(2003)54, 03/0025 (COD) (Mr VITORINO)

The Commission adopted the line set out in SP(2003)2156/2.

- VERMEER report, Protection of pedestrians and other vulnerable road users,

COM(2003)67, 03/0033 (COD) (Mr LIIKANEN)

The Commission adopted the line set out in SP(2003)2196.

- McCARTHY report, Patentability of computer-implemented inventions, COM(2002)92, 2002/0047 (COD) (Mr BOLKESTEIN)

The Commission adopted the line set out in SP(2003)2219.

Action taken on Parliament's opinions and resolutions

(point 5 of the record)

The Commission adopted the replies to non-legislative opinions and own-initiative resolutions adopted by Parliament to which the Commission had undertaken to reply (SP(2003)1961/2), for transmission to Parliament.

10. APPROVAL OF MINUTES AND SPECIAL MINUTES OF 1617th MEETING (18 June) (PV(2003)1617 and /2; PV(2003)1617, Part II)

The Commission approved the minutes of its 1617th meeting subject to the following amendment:

- In item 10.2, the third paragraph to read:

The Commission considered it urgent, as the Office itself agreed, to update a code of conduct for organising and managing the flow of information between the Anti-Fraud Office and the Commission so that the Commission could react in full knowledge of the facts and take all necessary management measures in good

time. A proposal to this effect should be discussed by the Commission, if possible before the summer holidays; at the same time, Commission Members should consider a possible solution involving full independence for the Anti-Fraud Office.

11. MONITORING THE APPLICATION OF COMMUNITY LAW

11.1. STATE AID

(SEC(2003)713)

The Commission adopted the decisions in SEC(2003)713.

11.2. INFRINGEMENTS - URGENT CASES

(SEC(2003)735 and /2)

AUSTRIA Ban on lorries

2003/2123/B

The Commission decided to send the Austrian authorities a letter of formal notice as set out in SEC(2003)735/2 on the order of 27 May by the Landeshaupmann of Tyrol laying down traffic restrictions on the A12 motorway from Inntal from 1 August 2003 (emergency procedure - reduced deadline for reply).

12. COUNCIL MEETINGS

(SI(2003)751)

12.1. AGRICULTURE

(LUXEMBOURG, 18-19 JUNE AND FROM 25 JUNE)

(SI(2003)701 and /2; SI (2003)702)

The Commission took note of the information provided by Mr FISCHLER concerning the state of negotiations on the reform of the common agricultural policy and the prospects for compromise. It expressed its full support and solidarity to Mr FISCHLER in these difficult negotiations.

12.2. EUROPEAN COUNCIL

(THESSALONIKI, 19-20 JUNE)

The PRESIDENT reported on the European Council meeting, particularly concerning the Convention and Intergovernmental Conference, and immigration, borders and asylum. On the latter, the PRESIDENT and Mr VITORINO reported that the three Commission communications had been well received.

(On the results of the European Council on the Convention, see also item 13 of these minutes.)

12.3. EU- BALKANS SUMMIT

(THESSALONIKI, 21 JUNE)

The PRESIDENT and Mr PATTEN commented on the results of the EU-Balkans summit, which marked an important stage in the process of opening up the Union towards the countries concerned.

13. WORK OF THE CONVENTION

CONCLUSIONS OF THE EUROPEAN COUNCIL

(THESSALONIKI, 19-20 JUNE)

(SI (2003)500)

The Commission took note of the information supplied by the PRESIDENT and Mr BARNIER on the Thessaloniki European Council's discussions on the draft constitutional Treaty presented by Mr GISCARD D'ESTAING and on the organisation of the next Intergovernmental Conference. It took stock of the amendments tabled by Mr BARNIER and Mr VITORINO in relation to the extension of the work of the Convention on part III of the draft Treaty, and defined its working method for the presentation of the Commission opinion on the convening of the Intergovernmental Conference.

14. OTHER BUSINESS

MONITORING OF THE IMPLEMENTATION OF COMMITMENTS MADE BY THE ACCEDING COUNTRIES IN THE NEGOTIATIONS: MAIN FINDINGS AND FOLLOW-UP OF SECOND MONITORING REPORTS (SEC(2003)738 and /2)

Mr VERHEUGEN reported on the state of compliance with the commitments made by the acceding countries in the accession negotiations, as shown in the second monitoring reports drawn up by the Enlargement DG in cooperation with all the Commission departments. These were interim reports; a final, overall assessment of the situation would be made as part of the comprehensive enlargement package to be put to the Commission in November. At this stage, the outcome was generally satisfactory and the acceding countries had made substantial efforts to meet their

commitments. Nevertheless, of more than 2 000 questions considered, 29 gave cause for serious concern and had triggered warning letters to the countries concerned. He asked Commission Members to follow closely with their departments the dossiers of concern to them, so that they could intervene quickly wherever problems were identified.

The Commission took note of this information and of the note distributed by Mr VERHEUGEN (SEC(2003)738/2). It also noted that Mr BOLKESTEIN and Mr BYRNE intended to alert the acceding countries to certain subjects of concern relating to their portfolio. Mr BYRNE drew attention to the serious risk that safeguard measures would have to be applied if the problems identified in certain acceding countries concerning certain foodstuffs production facilities were not settled in good time.

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The Commission's other deliberations on certain items are recorded in the special minutes.

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The sitting closed at 1110 hours.